

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers</i>	DATE <i>11-2-07</i>
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<b>DIRECTOR'S USE ONLY</b>	<b>ACTION REQUESTED</b>
1. LOG NUMBER <i>000238</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>Cleared 11/19/07 letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>11-13-07</i>
	<input type="checkbox"/> FOIA DATE DUE _____
	<input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

**JIM DEMINT**  
SOUTH CAROLINA

COMMITTEES:  
COMMERCE, SCIENCE AND  
TRANSPORTATION

CHAIRMAN, SENATE STEERING COMMITTEE

ENERGY AND NATURAL RESOURCES

340 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510

**United States Senate**

FOREIGN RELATIONS

(202) 224-6121

demint.senate.gov

JOINT ECONOMIC

November 1, 2007

**RECEIVED**

NOV 02 2007

*Log: Myers*  
*App. slg*

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Mr. Robert M. Kerr  
Director  
Department Of Health And Human Services  
PO Box 8206  
Columbia, SC 29202-8206

Dear Mr. Kerr,

I am writing to refer a matter involving my constituent, Ms. Ellen L. Brown, and her request for assistance with a Medicaid issue. Enclosed is a copy of her letter for your review.

I would greatly appreciate your responding directly to Ms. Brown about this issue. I have informed Ms. Brown that I would refer her to your agency in an effort to be helpful.

Thank you for your attention to this matter. Best regards,  
Sincerely,



Jim DeMint  
United States Senator

CHARLESTON  
112 CUSTOM HOUSE  
200 EAST BAY STREET  
CHARLESTON, SC 29401  
(843) 727-4525

GREENVILLE  
105 NORTH SPRING STREET  
SUITE 109  
GREENVILLE, SC 29601  
(864) 233-5366

COLUMBIA  
1901 MAIN STREET  
SUITE 1475  
COLUMBIA, SC 29201  
(803) 771-6112

Ellen L. Brown  
4535 Shawnee Drive  
Marietta, GA 30907

Dear Mr. Demint,

I thank you in advance for your time in reviewing the enclosed letter, the original of which was mailed to Pediatric Associates in Camden, South Carolina.

It may or not be within your realm of interest to address this issue, but it is important in our opinion, that a few key organizations be made aware of the sad state in which this Medical Office conducts business. While in this instance, Tamara Johnson found another medical resource to assist her son Zaire, it is nonetheless unacceptable for a child that is covered by South Carolina State Medicaid to be refused treatment. What if the situation varied only slightly? Tamara has had many problems with her vehicle, and very easily could have been walking to the Drs. Office that day, and any other medical treatment resource may have been too far away. The neglect of Pediatric Associates would have then left Zaire with no other resource for care.

A child's right to fair treatment has been overlooked. I shudder to think of how many other sick babies may have been turned away at those doors.

Please review the enclosed letter.

Sincerely,

Ellen L. Brown



*Ellen L. Brown  
4535 Shawnee Drive  
Marrimac, Georgia 30907*

October 14, 2007

Pediatric Associates  
1346 Haile Street  
Camden, South Carolina 29020  
RE: Patient- Zaire Brown

Dear Physicians:

On the morning of October 13, 2007 his mother, Tamara Johnson, brought my grandchild Zaire Brown to your office for medical attention. Service was refused based on the following information provided by your staff to Tamara.

It was explained to her that there is an outstanding balance owed for services rendered in the treatment of Jacobe and Donovan Brown, two of Tamara's other children. At this point she explained to your staff that Jacobe and Donovan lived with their father at the time of their treatment at Pediatric Associates and were also under their father's medical insurance and that any balances due should be addressed to him. She further informed your office that Zaire is covered by South Carolina Medicaid, is in her custody and not affiliated with the father of Jacobe and Donovan or his insurance. Service was still refused, based on the unpaid balance on the other children's accounts.

Why would your office refuse treatment of a sick child that is 100% covered by Medicaid? Regardless of any balance due on the accounts of the then, custodial children of David Brown, why was Zaire Brown refused treatment? Your records on Zaire plainly indicate his hospitalization ten months ago with RSV, which places him at high risk with any future respiratory related illnesses. Once again Zaire Brown has 100% Medicaid coverage and was in no way a financial liability for your practice!

Please be advised that is the intent of Tamara Johnson, and Donnel G. Brown, the parents of Zaire Brown, and of myself Ellen Brown, Zaire's paternal grandmother, to fully examine the South Carolina Medicaid laws pertaining to the refusal of treatment, and to furthermore pursue all legal options enacted to protect the rights of children in the state of South Carolina.

While it appears to be the opinion of your organization that a child has no voice, it is my humble opinion that you are incorrect. Zaire Brown's young voice and basic human rights will be acknowledged. A copy of this correspondence will be provided to the South Carolina Children's Advocacy Center, an active chapter of the National Children's Alliance; The office of US Senator Jim DeMint and the South Carolina NAACP.

In the meanwhile, we await your answer to the questions posed as to why this child was refused medical treatment

Sincerely,

Ellen L. Brown, Tamara Johnson and Donnel G. Brown, in behalf of Zaire Brown

Enclosures: South Carolina proof of Benefit Entitlement Letter  
CC: South Carolina Children's Advocacy Center  
CC: Senator Jim DeMint  
CC: NAACP of South Carolina

Log 0238 ✓



State of South Carolina  
Department of Health and Human Services

Mark Sanford  
Governor

Emma Forkner  
Director

November 19, 2007

Ellen L. Brown  
4535 Shawnee Drive  
Martinez, Georgia 30907

Dear Ms. Brown:

We have received a copy of your correspondence with Pediatric Associates of Camden, South Carolina, and your letter to Senator Jim DeMint, regarding the denial of services to your grandson, Zaire. The South Carolina Department of Health and Human Services takes very seriously any complaints about denial of services to Medicaid beneficiaries. We will conduct an investigation into this complaint through our Division of Program Integrity, and will take any steps necessary to ensure this issue is appropriately resolved. However, in order for us to properly investigate this issue, we may need to contact Tamara Johnson, Zaire's mother. Would it be possible for you to provide us with her contact information, or, would you contact Ms. Johnson on our behalf and ask her to call us at (803) 898-2678 and ask for Sherry Ward, RN.

Your letter indicated that Mr. Johnson has found another provider for Zaire, but if she needs any other information in this regard she can contact me.

Again, rest assured we will look into this matter.

Sincerely,

Sherry Ward, RN, Director  
Division of Program Integrity

SW/sm